



The Comptroller General  
of the United States

Washington, D.C. 20548

*McLoddy*

## Decision

Matter of: Dynalelectron Corporation

File: B-225590

Date: January 21, 1987

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### DIGEST

General Accounting Office (GAO) will dismiss protest where issues raised are before a court of competent jurisdiction; the protester has not asked that the court seek GAO's opinion; and the court has not expressed interest in a GAO decision.

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### DECISION

Dynalelectron Corporation protests the award of a contract to any other offeror under request for proposals (RFP) No. N00123-85-R-1070, issued by the Navy for operations, maintenance and other services at the Pacific Missile Range Facility. We dismiss the protest.

Dynalelectron in essence maintains that the Navy failed to evaluate proposals in accordance with the evaluation criteria in the RFP. On January 2, 1987, while the protest was pending, Dynalelectron filed suit in the U.S. District Court for the District of Columbia challenging the procurement on the same grounds on which the protest to our Office was based. Dynalelectron's complaint does not ask the court to seek our opinion on the issues raised and in fact indicates interest in a judicial resolution only. Since the issues raised in the protest are now before a court of competent jurisdiction and the court has not expressed interest in our decision, the protest is dismissed. Bid Protest Regulations, 4 C.F.R. § 21.9(a) (1986); C&M Glass Co., B-218227, Apr. 15, 1985, 85-1 CPD ¶ 430.

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